IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

ST.Rev..No. 453 of 2004

ORDER DATED 17.11.2001 IN TA.690/1998 OF SALES TAX APPELLATE TRIBUNAL, ADDITIOINAL BENCH-I, ERNAKULAM
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REVISION PETITIONER/APPELLANT/REVENUE

STATE OF KERALA,
REP. BY THE DEPUTY COMMISSIONER (LAW),
COMMERCIAL TAXES, ERNAKULAM.

BY GOVERNMENT PLEADER MR.K.B.PRADEEP

RESPONDENT/RESPONDENT/ASSESSEE

M/S.GLOBAL TELE SYSTEM LTD.,
COCHIN-35.

THIS SALES TAX REVISION HAVING COME UP FOR ORDERS ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

C.M.Appln.No.1152 of 2004 &
S.T.Rev.No.453 of 2004

Dated, this the 25th day of September, 2007

ORDER

H.L.Dattu, C.J.

This revision petition is filed against the orders passed by the Kerala Sales Tax Appellate Tribunal, Additional Bench-I, Ernakulam in T.A. No.690 of 1998 dated 17th November, 2001.

2. In filing the revision petition there is a delay of 552 days. For condoning the delay in filing the revision petition an application is also filed under Section 5 of the Limitation Act. Along with the application the affidavit of the Deputy Commissioner (Law), Commercial Taxes, Ernakulam is also filed. It is a stereo typed affidavit. Except filling up the blanks here and there, nothing else has been stated by the Deputy Commissioner for approaching this Court belatedly questioning the correctness or otherwise of the orders passed by the Tribunal in TA.No.690 of 1998.

3. The explanation offered by the applicant in their affidavit is as under:

> "2. The Order of the Sales Tax Appellate Tribunal, Addl. Bench, Ernakulam in T.A.No.690/1998 dated 17.11.2001 was received in my Office on 19.8.02. On 19.8.02 itself the order along with connected files were distributed in my Office for examining the scope for filing Tax Revision. Thereafter the Order alongwith the suggestions were forwarded to the Secretary, taxes suggesting to file Sales Tax Revision. The same was again received in my Office on 28.12.02 and the same was sent to the Office of the Advocate General for preparing the Revision Petition. After Revision was prepared I had signed the same on 22.5.04 and entrusted the Office of the Advocate General for filing Sales Tax Revision.
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> 3. Calculating from the date of receipt of the Order the Sales Tax Revision ought to have been filed on or before

> 16.11.02. However, the same could be filed only on 22.5.04. Thus the delay of 552 days has occurred in filing the Sales Tax Revision. The delay caused is not due to any wilful neglect or laches on my part or in my Office. The delay is purely due to administrative reasons as explained above. I am advised that there is every chance of winning the case. Therefore it is only just and proper that the delay of 552 days occurred in filing the revision petition is condoned. An application is also filed herewith for the said purpose."

4. We have carefully perused the reasons assigned by the applicant for approaching this Court belatedly.

5. In filing the revision petition, in our opinion, the said explanation is wholly unsatisfactory. Therefore, the delay in filing the revision petition cannot be condoned by us. Accordingly, the said application requires to be rejected and it is rejected.

4. Consequently, the tax revision petition also stands rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns